

Giddens



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Tamara L. Wolf
File: B-233317
Date: January 31, 1989

DIGEST

Since the government is generally precluded from contracting with its employees, even those not employed by the contracting agency, protester who is a government employee is not an interested party to file a protest.

DECISION

Tamara L. Wolf, protests the contract between the National Institute of Standards and Technology (NIST) and Richard S. Foti, for barber shop/beauty salon services in the NIST administration building. Wolf contends that NIST's contract with Foti is a sole-source procurement which violates competition requirements in the Federal Acquisition Regulation (FAR).

The protest is dismissed.

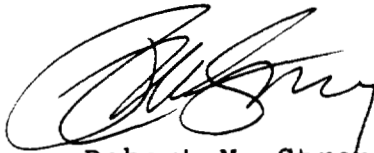
It has come to our attention that Wolf is employed by the United States Army at Fort Detrick. Under FAR § 3.601 (FAC 84-18), a contracting officer shall not knowingly award a contract to a government employee or to a business concern or other organization owned or substantially owned or controlled by one or more government employees except where the agency head finds that a compelling reason, such as the government's needs cannot otherwise reasonably be met, requires such an award. This policy is intended to avoid any conflict of interest that might arise between the employees' interests and their government duties, and to avoid the appearance of favoritism or preferential treatment by the government toward its employees. Id. Friends of the Waterfront Inc., 66 Comp. Gen. 190 (1987) 87-1 CPD ¶ 16.

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Moreover, the conflict of interest policy applies to firms owned or controlled by any government employee, not just the employees of the contracting agency. Cooley Container Corp. B-220801, Jan. 31, 1986, 86-1 CPD ¶ 114.

In light of this policy NIST would be precluded from awarding any contract to Wolf. Accordingly Wolf is not an interested party for the purpose of filing a protest since Wolf could not be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. §§ 21.0(a) and 21.3(m) (1988).

The protest is dismissed.

A handwritten signature in black ink, appearing to read 'R. Strong', is positioned above the printed name.

Robert M. Strong
Associate General Counsel